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Meeting of States Parties

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Adjustment of the remuneration of members of the International Tribunal for the Law of the Sea

Submitted by the Tribunal

I. Revision made to the annual base salary of the members of the International Court of Justice

1. In its decision 62/547, concerning the conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, the General Assembly set, effective 1 April 2008, the annual net base salary of members of the International Court of Justice at $158,000, "... with the corresponding post adjustment per multiplier point equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for the Netherlands ...".[1]

2. In its decision the General Assembly also endorsed the adjustment mechanism as proposed by the Secretary-General in his report on the same subject.[2] The adjustment mechanism approved by the Assembly is as follows:

> Should the above proposal be considered, ... the Secretary-General would also propose that on the occasion of future revisions to the base scale applicable to staff in the Professional and higher categories that are effected through the consolidation of post adjustment multiplier points into the base scale with a corresponding readjustment in the post adjustment multipliers, the annual base salary of the members of the International Court of Justice and the judges and ad litem judges of the Tribunals also be adjusted by the same percentage and at the same time.[3]

3. It follows from the above decision of the General Assembly that future revisions to the annual base salary of members of the International Court of Justice

[1] General Assembly decision 62/547, para. (b).
[2] A/62/538.
[3] Ibid., para. 77.

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are to be automatically harmonized with revisions to the base salary scale for staff in the Professional and higher categories. In accordance with this automatic mechanism, revisions have twice been made to the annual base salary of the members of the International Court of Justice as follows:

(a) Pursuant to General Assembly resolution 63/251, the base salary scale for staff in the Professional and higher categories was consolidated at 2.33 per cent multiplier points effective 1 January 2009. Consequently, a corresponding increase in the annual base salary of members of the International Court of Justice as of the same date and by the same percentage was applied and, as a result, the annual base salary of members of the International Court of Justice was adjusted from the previous level of $158,000 to $161,681 with effect from 1 January 2009;

(b) The General Assembly, in its resolution 64/231, approved an increase of 3.04 per cent for the salary of the staff in the Professional and higher categories as recommended by the International Civil Service Commission in its report for 2009 (A/64/30), paragraph 66 of which reads as follows:

> The Commission decided to recommend to the General Assembly that the current base/floor salary scale for the Professional and higher categories be adjusted by 3.04 per cent through the standard consolidation procedure, i.e., by increasing base salary while commensurately reducing post adjustment levels, with effect from 1 January 2010.

4. Consequently, pursuant to General Assembly resolution 64/231, the annual net base salary of the members of the International Court of Justice was revised from $161,681 to $166,596, effective 1 January 2010.

5. This revision represents an increase of 3.04 per cent in the annual net base salary. However, the effect of the increase is offset by a reduction in the post adjustment level applicable to The Hague. By way of illustration, the monthly salary for December 2009 and that for January 2010 received by the members of the International Court of Justice are as follows:

Month	*Net base salary (in United States dollars)*	*Post adjustment multiplier (The Hague)*	*Amount (in United States dollars)*	*Rate of exchange*	*Amount (in euros)*
December 2009 (A)	13,473.42	72.5	23,241.65	0.664	15,432.46
January 2010 (B)	13,883.00	61.1	22,365.51	0.693	15,499.30
Difference (B-A)			(876.14)		+66.84

II. Adjustment of remuneration of the members of the International Tribunal for the Law of the Sea in line with that of the members of the International Court of Justice

6. The level of remuneration of the members of the International Tribunal for the Law of the Sea (hereinafter "the Tribunal") was established by the fourth Meeting of States Parties in 1996. In this regard, the Meeting of States Parties decided on the

principle of "maintaining equivalence with the remuneration levels of the members of the International Court of Justice".[4]

7. Pursuant to that principle, the nineteenth Meeting of States Parties, in order to align the annual base salary of the members of the Tribunal with the adjusted level of remuneration of the members of the International Court of Justice, decided, on 26 June 2009:[5]

> ... to set, effective 1 July 2009, the annual net base salary of the members of the Tribunal at $161,681, with a corresponding post adjustment multiplier equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for Hamburg, as appropriate, taking into account the adjustment mechanism as proposed by the Secretary-General in paragraph 77 of his report A/62/538;
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> ... on the occasion of future revisions to the annual net base salary of members of the International Court of Justice, to consider that the annual base salary of the members of the Tribunal also be adjusted by the same percentage and at the same time, bearing in mind the need to maintain the equivalence with the remuneration levels of the members of the International Court of Justice;

8. Unlike the case of the annual salary of the members of the International Court of Justice, the above decision of the Meeting of States Parties did not approve the automatic application of the adjustment mechanism as described in paragraph 77 of the Secretary-General's report[3] to the annual salary of the members of the Tribunal. As a result, the annual base salary of judges of the Tribunal remains at the previous level, namely at $161,681, whereas the post adjustment multiplier was reduced from 73.9 for December 2009 to 62.3 for January 2010. This situation has led to a decrease of 6.67 per cent in United States dollars and of 2.59 per cent in euros in the monthly annual allowance of the members of the Tribunal for January 2010 compared with that for December 2009 as follows:

President

Month	*Net base salary (in United States dollars)*	*Post adjustment multiplier (The Hague)*	*Amount (in United States dollars)*	*Rate of exchange*	*Amount (in euros)*
December 2009 (A)	13 473.42	73.9	23 430.28	0.664	15 557.71
January 2010 (B)	13 473.42	62.3	21 867.36	0.693	15 154.08
Difference (B-A)			(1 562.92)		(403.63)

Members

Month	*Net base salary (in United States dollars)*	*Post adjustment multiplier (The Hague)*	*Amount (in United States dollars)*	*Rate of exchange*	*Amount (in euros)*
December 2009 (A)	4 491.14	73.9	7 810.09	0.664	5 185.90
January 2010 (B)	4 491.14	62.3	7 289.12	0.693	5 051.36
Difference (B-A)			(520.97)		(135.54)

[4] SPLOS/WP.3/Rev.1, para. 17.

[5] SPLOS/200, paras. 1 and 2.

9. As the post adjustment system is equally applicable to the special allowance for each day that a judge is engaged in the business of the Tribunal, this allowance is also expected to be decreased both in United States dollars and euros.

10. The current situation is highly unsatisfactory for several reasons. The Meeting of States Parties has decided to maintain equivalence between the remuneration levels of judges of the Tribunal and those of the members of the International Court of Justice. However, in practice the judges of the Tribunal receive less favourable treatment owing to the fact that changes in the salary scale for United Nations staff in the Professional and higher categories are, unlike those at the International Court of Justice, not automatically applicable to the system of remuneration for judges of the Tribunal. There is no reason for this contradiction. In itself, the fact that, as of 1 January 2010, judges of the Tribunal have faced a decrease in their remuneration of 2.59 per cent in euros is evidence of the inequity created by the current situation. It should be borne in mind in this regard that, pursuant to article 18, paragraph 5, of the statute of the Tribunal, the salaries, allowances and compensation of judges of the Tribunal "may not be decreased during the term of office". In order to rectify this situation, a proposal is set out in the annex to the present document for the consideration of the Meeting of States Parties.

III. Proposal for the adjustment of remuneration for the members of the Tribunal

11. In the light of General Assembly resolution 64/231 and the decision of the Meeting of States Parties,[2] it is proposed that the annual remuneration of the members of the Tribunal be adjusted to reflect the revision of the emoluments of members of the International Court of Justice. It is further proposed that the adjustment become effective from 1 January 2010 and that the Tribunal be authorized to automatically apply the adjustment mechanism adopted by the Assembly with regard to the International Court of Justice. This is necessary to retain equivalency with the International Court of Justice and to avoid a decrease in the remuneration of the members of the Tribunal.

12. On the basis of this proposed decision, the monthly remuneration of judges would remain almost the same for 2010 as for December 2009.

Annex

Draft decision on the adjustment of the remuneration of members of the International Tribunal for the Law of the Sea

The Meeting of States Parties,

Considering that, in respect of the level of remuneration of the members of the International Tribunal for the Law of the Sea ("the Tribunal"), the fourth Meeting of States Parties decided to maintain equivalence with the remuneration levels of members of the International Court of Justice,

Considering also that the General Assembly, in its decision 62/547 of 3 April 2008, decided to set, effective 1 April 2008, the annual net base salary of the members of the International Court of Justice at 158,000 United States dollars, with a corresponding post adjustment multiplier equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for the Netherlands, as appropriate, taking into account the adjustment mechanism as proposed by the Secretary-General in paragraph 77 of his report,[a]

Considering further that the adjustment mechanism adopted by the General Assembly in its decision 62/547 provides that "on the occasion of future revisions to the base scale applicable to staff in the Professional and higher categories that are effected through the consolidation of post adjustment multiplier points into the base scale with a corresponding readjustment in the post adjustment multipliers, the annual base salary of the members of the International Court of Justice also be adjusted by the same percentage and at the same time",

Considering that on the basis of the adjustment mechanism adopted by the General Assembly the net base salary for members of the International Court of Justice was again revised to 161,681 dollars, effective 1 January 2009, in line with the consolidation of 2.33 per cent multiplier points in the base salary scale for staff in the Professional and higher categories,

Considering also that the nineteenth Meeting decided to set, effective 1 July 2009, the annual net base salary of the members of the Tribunal at 161,681 dollars, with a corresponding post adjustment multiplier equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for Hamburg, as appropriate, taking into account the adjustment mechanism as adopted by the General Assembly in its decision 62/547,

Considering further that the nineteenth Meeting also decided, on the occasion of future revisions to the annual net base salary of members of the International Court of Justice, to consider that the annual base salary of the members of the Tribunal also be adjusted by the same percentage and at the same time, bearing in mind the need to maintain equivalence with the remuneration levels of the members of the International Court of Justice,

Considering that, on the basis of the adjustment mechanism adopted by the General Assembly, the net base salary for members of the International Court of Justice was further revised to 166,596 dollars, effective 1 January 2010 in line with

[a] A/62/538.

the consolidation of 3.04 per cent multiplier points in the base salary scale for staff in the Professional and higher categories,

1. *Decides* to set, effective 1 January 2010, the annual net base salary of the members of the Tribunal at 166,596 dollars, with a corresponding post adjustment multiplier equal to 1 per cent of the net base salary, to which would be applied the post adjustment multiplier for Hamburg, as appropriate, taking into account the adjustment mechanism as established by the General Assembly in its decision 62/547;

2. *Also decides* that on the occasion of future revisions to the base scale applicable to staff of the United Nations in the Professional and higher categories that are effected through the consolidation of post adjustment multiplier points into the base scale with a corresponding readjustment in the post adjustment multipliers, the annual base salary of the members of the Tribunal also be adjusted by the same percentage and at the same time as in the case of members of the International Court of Justice.